

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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May 4, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **DOCKET NO. 411** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut.

By its Decision and Order dated April 28, 2011, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

LR/CDM/jbw

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Linda Roberts
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 411 has been forwarded by Certified First Class Return Receipt Requested mail, on May 4, 2011, to all parties and intervenors of record as listed on the attached service list, dated November 2, 2010.

ATTEST:



Jessica Brito-Weston
Secretary I
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC	Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067-3900 michele.g.briggs@cingular.com

DOCKET NO. 411 - New Cingular Wireless PCS, LLC } Connecticut
application for a Certificate of Environmental Compatibility and }
Public Need for the construction, maintenance and operation of a } Siting
telecommunications facility located at 1363 Boston Post Road, }
Old Saybrook, Connecticut. } Council

April 28, 2011

Findings of Fact

Introduction

1. New Cingular Wireless PCS, LLC (AT&T), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on November 1, 2010 for the construction, maintenance, and operation of a telecommunications facility, which would include a 100-foot tall monopole tower, at 1363 Boston Post Road in the Town of Old Saybrook, Connecticut. (AT&T 1, pp. 1-2)
2. AT&T is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut. The company's member corporation is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless services system. The company does not conduct any other business in the State of Connecticut other than the provision of wireless services under FCC rules and regulations. (AT&T 1, p. 3)
3. The party in this proceeding is the applicant. (Transcript, February 15, 2011, 3:05 p.m. [Tr. 1], p. 4)
4. The purpose of the proposed facility would be to provide wireless communication coverage in the shoreline community of Old Saybrook, including portions of Route 1 (Boston Post Road), the Amtrak rail line, and local business, commercial properties, and residences in an area where there are existing deficiencies in reliable coverage. (AT&T 1, p. 2; Attachment 1- Current Coverage Plot)
5. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on February 15, 2011, beginning at 3:05 p.m. and continuing at 7:05 p.m. in the Acton Public Library, 60 Old Boston Post Road in Old Saybrook, Connecticut. (Tr. 1, p. 2 ff.)
6. The Council and its staff conducted an inspection of the proposed site on February 15, 2011, beginning at 2:00 p.m. On the day of the field inspection, the applicant attempted to fly a balloon at the site between 8:00 a.m. and 5:00 p.m. Weather conditions were not conducive for the balloon flight. Several balloons were lost, and when a balloon was aloft it did not approach the height of the proposed tower. (Tr. 1, p. 25)
7. Pursuant to CGS § 16-50l (b), public notice of the application was published in the Hartford Courant on October 13 and 14, 2010. (AT&T 1, p. 4, Attachment 10; Hartford Courant Affidavit of Publication, dated October 14, 2010)

8. Pursuant to CGS § 16-50I(b), AT&T sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the proposed facility is located. (AT&T 1, p. 4, Attachment 10)
9. AT&T received return receipts from all of the abutting property owners to whom it sent notice except one, James Bohan, Jr. AT&T sent a follow up letter dated October 2, 2010 to Mr. Bohan via first class mail. (AT&T 2, A1)
10. Pursuant to CGS § 16-50I (b), AT&T provided notice to all federal, state, regional, and local officials and agencies listed therein. (AT&T 1, p. 4, Attachment 9)
11. On February 4, 2011, AT&T posted a sign on the host property informing the passing public of the time, date, and place of the hearing on this application. The sign was posted near Boston Post Road (Route 1). (Tr. 1, p. 24)

State Agency Comments

12. Pursuant to CGS § 16-50I, the Council solicited comments on AT&T's application from the following state departments and agencies: Department of Agriculture, Department of Environmental Protection (DEP), Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation, and the Department of Emergency Management and Homeland Security. The Council's letters requesting comments were sent on December 14, 2010 and February 16, 2011. (CSC Hearing Package dated December 14, 2010; Letter to State Department Heads dated February 16, 2011)
13. No comments were received from any of the state agencies solicited. (Record)

Municipal Consultation

14. AT&T filed a technical report with the Town of Saybrook (Town) on July 16, 2010. AT&T representatives contacted Town officials several times but did not receive any comments or preferences about its proposed facility. (AT&T 1, p. 14; Attachment 7)
15. The Town has asked if space on the proposed tower could be made available for its emergency services antennas if needed. (AT&T 2, A6)
16. AT&T would make space available for the Town's antennas at no rental charge. (AT&T 1, p. 14)

Public Need for Service

17. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 8 - Telecommunications Act of 1996)
18. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. AT&T is licensed by the FCC to provide personal wireless communication service throughout the State of Connecticut. (Council Administrative Notice Item No. 8 - Telecommunications Act of 1996; AT&T 1, p. 5)
19. The Act prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 8 - Telecommunications Act of 1996)
20. The Act prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 8 - Telecommunications Act of 1996)
21. Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act) to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Council Administrative Notice Item No. 9 - Wireless Communications and Public Safety Act of 1999; AT&T 1, p. 6)
22. AT&T would provide Enhanced 911 services from its proposed site in compliance with the 911 Act. (AT&T 1, p. 6)

Existing and Proposed Wireless Coverage

23. In Old Saybrook, AT&T is licensed to use the 850 MHz "b" band, the 1900 MHz A3, D, E, and C1 bands, and a newly purchased 700 MHz band. (AT&T 2, A7)
24. AT&T's proposed facility would be designed to address coverage needs and capacity needs experienced at its adjacent facilities. (Tr. 1, pp. 19-20)
25. AT&T designs its system for -82 dBm in-vehicle coverage and -74 dBm in-building coverage. (AT&T 2, A8)

26. AT&T's existing signal strength in the area that would be covered from the proposed facility ranges from -105 dBm to -50 dBm due to terrain fluctuations. (AT&T 2, A9)
27. AT&T is seeking to cover existing service gaps along Interstate Highway I-95 (Connecticut Turnpike), U.S. Route 1 (Boston Post Road), Great Hammock Road, and the Amtrak rail line as well as other local roads in the vicinity from the proposed facility. (AT&T 2, A12)
28. From its proposed facility, AT&T would be able to cover 0.10 mile on I-95, 0.14 mile on Route 1, 0.23 mile on Great Hammock Road, and 0.36 mile on the Amtrak rail line. AT&T would also be able to cover 4.99 miles along local roads in the vicinity, including 0.39 mile on Old Post Road, 0.33 mile on Schoolhouse Road, and 0.30 mile on Old Rock Road. (See Figures 4 and 5) (AT&T 2, A13)
29. The rate of dropped calls in the area that would be served by the proposed facility is approximately two times what AT&T's network typically achieves. Blocked calls are experienced at a rate of up to three times the rate experienced by AT&T's network in normal conditions. (AT&T 2, A14)
30. AT&T's proposed facility would hand off signals with the adjacent facilities identified in the following table.

Site Location	Distance and Direction from Proposed Site
315 Spencer Plain Road, Westbrook	1.3 miles to west
170 Ingham Hill Road, Old Saybrook	1.5 miles to north northeast
1542 Boston Post Road, Westbrook	1.7 miles to west northwest
Route 9, Middlesex Turnpike, Old Saybrook	2.8 miles to north northeast
798 Toby Hill Road, Westbrook	2.8 miles to northwest
226 Ferry Road, Old Saybrook	3.5 miles to northeast

(AT&T 2, A15)

31. At cellular frequencies and at a signal strength of -74 dBm, AT&T could cover an area of 2.77 square miles from the proposed facility. (See Figures 4 and 5) (AT&T 2, A11)
32. The minimum height at which AT&T could achieve its coverage objectives is the proposed height of 100 feet above ground level (AGL) with an antenna centerline height of 97 feet AGL. (AT&T 2, A16)
33. At ten feet below the proposed height, AT&T's coverage would decrease in the area around the intersection of Route 1 and Donnelly Road, and coverage would be lost along Gregor Place, Hartford Avenue, and Schenker Avenue. (AT&T 2, A17)

Site Selection

34. AT&T began a site search in this area in 2008. (AT&T 1, p. 2)
35. The center of AT&T's search ring was located at latitude 41° 17' 36.6" North and longitude 72° 24' 4.68" West. Its radius was approximately 2,000 feet. (AT&T 2, A2)

36. There are 15 communications towers within a radius of approximately four miles of the proposed site. AT&T has antennas on seven of these towers. None of these towers was found to be adequate for AT&T's coverage purposes. The towers are listed in the table below.

Tower Location	Height, Type of Tower	Tower Owner	Approx. Distance and Direction
315 Spencer Plains Road, Westbrook	180 feet, self-supporting lattice	DPS/Valley Shore	1.3 miles to W
1542 Boston Post Road, Westbrook	127 feet, water tank	Town of Westbrook	1.7 miles to SW
782 Old Clinton Road, Westbrook	160 feet, monopole	Sprint	3.5 miles to W
63 Pilot's Point Marina, Westbrook	33 feet, building mount	Verizon	3.7 miles to SW
798 Toby Hill Road, Westbrook	150 feet, monopole	Sprint	2.8 miles to NW
Route 9, Old Saybrook	190 feet, guyed lattice	Crossroad Communications	2.8 miles to NE
Route 9, Old Saybrook	200 feet, guyed lattice	Crossroad Communications	2.8 miles to NE
77 Springbrook Road, Old Saybrook	175 feet, monopole	Crossroad Communications	2.7 miles to NE
2 Ferry Place, Old Saybrook	110 feet, smokestack	Etherington	3.1 miles to NE
Route 1, Old Saybrook	150 feet, monopole	Amtrak	1.8 miles to E
430 Middlesex Turnpike, Old Saybrook	175 feet, monopole	Crown (Sprint)	1.8 miles to E
40-3 River Street, Old Saybrook	130 feet, monopole	American Tower	1.7 miles to E
170 Ingham Hill Road, Old Saybrook	150 feet, monopole	SBA	1.5 miles to NE
130 Ingham Hill Road, Old Saybrook	50 feet, monopole	M&J Bus Company	.9 miles to E
225 Main Street, Old Saybrook	157.5 feet, monopole	Town of Old Saybrook	1.5 miles to E

(AT&T 1, Attachment 1)

37. AT&T investigated eight properties as potential locations for its proposed facility. Information about these properties is presented in the table below.

Location	Owner	Size of Property	Determination of Suitability
1363 Boston Post Road, aka Tompkins Road	Wilcox Family, LLC	7.53 acres	Site of proposed facility
130 Ingham Hill Road	Ingham Hill Realty, LLC	3.97 acres	Existing 50' monopole is too short to provide adequate coverage
Donnelley Road	WS Old Saybrook Realty, LLC	29.64 acres	Property owners rejected several AT&T offers after showing initial interest
45 Schoolhouse Road	YSI VI, LLC	3.5 acres	Owners were unresponsive to AT&T's attempts to contact them
90 Schoolhouse Road	Chiat	27 acres	Owners were unresponsive to AT&T's attempts to contact them
1375 Boston Post Road, aka Tompkins Road	Sandy Point LC	4.7 acres	Wetlands present in only possible tower location on property
Schoolhouse Road	Morell, et al	15.6 acres	Location was rejected by AT&T RF engineers
1111 Boston Post Road (Old Saybrook High School)	Town of Old Saybrook	34.34 acres	This location rejected based on evaluation of visibility and other factors.

(AT&T 1, Attachment 2)

38. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means of providing service within the coverage objective area, and there are no equally effective and feasible technological alternatives to the construction of the proposed tower. (AT&T 1, p. 7)

Facility Description

39. AT&T's proposed site is located on a 7.5 acre parcel, north of Route 1 and south of the Amtrak rail line. The property is owned by the Wilcox Family, LLC. It is improved with buildings used for various purposes including an electrical supply wholesaler, car storage, motorcycle parts sales, a martial arts studio, and a residence. (See Figures 1 and 2) (AT&T 1 pp. 2, 8; Attachment 3)

40. The Wilcox Family property is within a Gateway Business B-4 Zoning District, which allows for regional businesses on lots of at least 20,000 square feet if public water supply is available and 40,000 square feet if public water is not available. Old Saybrook's zoning regulations do not currently address wireless telecommunications facilities. (AT&T 1, p. 13; Bulk Filing – Town of Old Saybrook Zoning Regulations)
41. AT&T would locate its proposed facility in the northerly half of the Wilcox Family property. It would lease a 100-foot by 100-foot parcel, within which it would develop a 45-foot by 80-foot compound that would include a 100-foot tall monopole tower. The compound would be enclosed by an eight-foot high chain link fence. AT&T would house its ground equipment in a 12-foot by 20-foot shelter. (See Figure 3) (AT&T 1, pp. 2, 8; Attachment 3)
42. The proposed tower would be designed in accordance with the American National Standards Institute TIA/EIA-222-G "Structural Standards for Steel Antenna Towers and Antenna Support Structures" and the 2003 International Building Code with the 2005 Connecticut Amendment. It would have a diameter of approximately four and one-half feet at its base and approximately two feet at its top. The proposed tower would be designed to be expandable to a height of 120 feet. (AT&T 1, Attachment 3)
43. At its proposed height of 100 feet, AT&T's tower could accommodate one additional wireless carrier. If extended to 120 feet, the proposed tower could accommodate two additional wireless carriers, for a total of four carriers. (AT&T 1, p. 8)
44. The proposed tower would be located at 41° 17' 23.2" north latitude and 72° 24' 21.4" west longitude. Its ground elevation would be 11 feet above mean sea level (amsl). (AT&T 1, Attachment 3 – Site Evaluation Report)
45. AT&T would initially deploy nine antennas at a centerline height of 97 feet AGL. (Tr. 1, p. 9)
46. The use of T-arms to mount the antennas would minimize the possibility that ospreys or other birds could use the proposed tower as a nesting place. (Tr. 1, pp. 60-61)
47. For backup power, AT&T would primarily rely on a diesel generator. In addition, AT&T would also have a battery backup to prevent the facility from experiencing a "re-boot" condition during the generator start-up delay period. The diesel generator would typically provide 114 hours of service. The generator fuel tank would be a 210-gallon steel containment chamber lined with a bladder to contain fuel in the event of a fuel spill. (AT&T 2, A18)
48. Approximately 206 cubic yards of cut would be required along the access road and in front of the compound for the installation of the 12 inches of crushed rock. Minor fill would be required at the middle and rear of the compound to level the area. (AT&T 2, A3, Attachment 2)
49. Vehicular access to the proposed facility would be over Tompkins Road, an existing asphalt road, for a distance of approximately 641 feet and then over a new 382-foot gravel drive. (AT&T 1, p. 8; Attachment 3)

50. Utility service for the proposed facility would be extended underground from an existing transformer and telecommunications pedestal near the end of Tompkins Road and would follow the edge of the new gravel access drive. (AT&T 1, p. 8; Attachment 3 – Drawing C02)
51. No blasting is anticipated, pending the results of a geotechnical survey. Should ledge be encountered, mechanical means would be the preferred method of removal. (AT&T 2, A4)
52. The setback radius of the proposed tower would extend approximately seven feet onto two adjacent properties to the east. (AT&T 2, A19)
53. In order to avoid having the proposed tower's setback radius extend onto adjacent properties, AT&T could adjust its location, either within the proposed compound or within the lease area. (Tr. 1, pp. 23-24)
54. There are 13 residences located within 1,000 feet of the proposed site. (AT&T 1, Attachment 3)
55. The nearest residences are located 440 feet to the east at 39 and 35 Schoolhouse Road. The residences are owned by Scott and Darlene Lisle and James Bohan Jr. respectively. (AT&T 1, Attachment 3)
56. Land use in the general proximity of the proposed facility includes commercial and residential uses, wooded and undeveloped land, and major transportation arteries including U.S. Interstate Highway 95, Route 1, and the Amtrak rail line. (AT&T 1, Attachment 3)
57. The estimated cost of construction of the proposed facility is:

Tower and foundation costs	\$ 90,000
Site development costs	51,150
Utility installation costs	30,690
Facility installation	93,000
Electronic equipment	170,000
<u>Antennas & related equipment</u>	<u>80,000</u>
Total estimated costs	\$ 514,840

(AT&T 1, p. 14; AT&T 2, A5)

Environmental Considerations

58. The State Historic Preservation Office determined that the proposed facility would have no adverse effect on cultural resources listed or eligible for listing on the National Register of Historic Places, with the condition that any antennas and equipment not in use for six consecutive months shall be removed by the telecommunications facility owner at the end of the six-month period. (AT&T 1, Attachment 8 – Letter from State Historic Preservation Office, dated March 15, 2010)
59. There are no extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur on the property where the proposed facility would be located. (AT&T 1, Attachment 8 – Letter from DEP Bureau of Natural Resources, Wildlife Division, dated November 16, 2009)
60. The U.S. Fish and Wildlife Service lists the Piping Plover as a threatened or endangered species that occurs in Old Saybrook. Piping Plovers typically use beach habitats. The proposed facility is located approximately three-quarters of a mile from the nearest beach and would not be likely to impact the Piping Plover. (Tr. 1, pp. 40-41)
61. AT&T's proposed facility would comply with the recommendations of the U.S. Fish and Wildlife Service for minimizing the potential for telecommunications towers to impact bird species. (Tr. 1, pp. 42-43)
62. AT&T's proposed facility is not located near an Important Bird Area (IBA) as designated by the Connecticut Audubon Society. (Tr. 1, p. 43; AT&T's Post-Hearing Submission, Attachment 1, p. 3)
63. Seven trees with diameters of six inches or more at breast height would be removed in the construction of the proposed facility. (AT&T 1, Attachment 3 – Site Evaluation Report III.G.)
64. A wetland area traversing the entire width of the Wilcox Family property lies to the north of the proposed tower site. The closest point of disturbance to this wetland area would be where the proposed access road passes approximately 50 feet to the south. The wetland area is a predominantly forested habitat with occasional patches of dense understory species. It is approximately 10 feet lower in elevation than the proposed facility's construction area. (AT&T 1, pp. 13-14; Attachment 3 – Site Evaluation Report II.E.; Attachment 5 – Wetland & Watercourse Delineation Report prepared by Kleinfelder East, Inc.)
65. Throughout the construction of the proposed facility, AT&T would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, established by the Connecticut Council for Soil and Water Conservation, in cooperation with the DEP. (AT&T 1, p. 14)
66. The establishment of soil erosion measures would prevent adverse impacts to the wetland areas in the vicinity of the proposed facility. (AT&T 1, p. 14)

67. The proposed site is located outside of the 100-year flood area and within the 500-year flood area. (Tr. 1, pp. 49-50)
68. The Town of Old Saybrook is within the Coastal Area as defined by CGS § 22a-94(a), and AT&T's proposed facility is located within the Coastal Boundary as defined by CGS § 22a-94(b). No adverse impacts to Coastal Resources are anticipated, however. Views of the proposed tower from Long Island Sound are distant and do not impact any scenic viewpoints or vistas. No tidal wetlands would be disturbed, and no degradation or destruction of wildlife, finfish, or shellfish habitat would occur as the property on which the proposed tower would be located is developed and actively used for commercial and residential purposes. (AT&T 2, A20)
69. AT&T utilized the FCC's TOWAIR program to determine if this proposed site would require registration with the Federal Aviation Administration (FAA). The results of this program indicated that no registration would be required for this site and that the proposed tower not would require lighting or marking. (AT&T 1, pp. 11-12; Attachment 5 – Federal Airways & Airspace Summary Report)
70. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of all proposed antennas is 14.3% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower. (AT&T 1, Attachment 5 – C² Systems Power Density Calculation)

Visibility

71. The proposed tower would be visible on a year-round basis from approximately 905.5 acres within a two-mile radius of the proposed site. Most of this acreage occurs on the waters of Long Island Sound. (See Figure 6) (AT&T 1, Attachment 4 – Visual Analysis Report)
72. Viewed from Long Island Sound, the proposed tower would not appear as a dominant feature on the landscape. (Tr. 1, pp. 51-52)
73. The proposed tower would be visible on a seasonal basis from an additional approximately 36.3 acres. (AT&T 1, Attachment 4 – Visual Analysis Report)

74. The proposed tower would be visible from the following local roads for the distances identified in the table below.

Road	Length of Road Visibility (Seasonal)	Length of Road Visibility (Year-round)
Cottage Avenue	-	300 feet
Bel Aire Manor	-	1,100 feet
Bliss Street	-	240 feet
Chandler Street	-	240 feet
Cranton Avenue	-	560 feet
I-95	-	1,200 feet
Boston Post Road	430 feet and 1,200 feet	540 feet
School House Road	300 feet and 900 feet	620 feet
Gilbert Road	320 feet	300 feet
Ingham Road	670 feet	880 feet
Shetucket Trail	300 feet	-
Old Post Road	900 feet	-
Allendale Road	440 feet	-
Meadowood Lane	140 feet	-
Lookout Hill Road	2,400 feet	-

(AT&T 1, Attachment 4 – Visual Analysis Report)

75. The proposed tower would be visible year-round from approximately 53 residential properties and on a seasonal basis from approximately 62 residential properties. The streets on which these properties are located are listed in the following table.

Road	Number of Residences with Year-round Visibility	Number of Residences with Seasonal Visibility
Cottage Avenue	5	-
Bel Aire Manor	33	-
Bliss Street	6	-
Chandler Street	1	-
Cranton Avenue	6	-
Colonial Lane	-	2
School House Road	-	5
Gilbert Road	2	2
Ingham Road	-	8
Shetucket Trail	-	12
Old Post Road	-	5
Allendale Road	-	11
Meadowood Lane	-	2
Lookout Hill Road	-	15

(AT&T 1, Attachment 4 – Visual Analysis Report)

76. The visibility of the proposed tower from different vantage points in the surrounding vicinity is summarized in the following table. (See Figure 6)

Location	Visibility	Approx. Portion of (100') Tower Visible (ft.)	Approx. Distance and Direction to Tower Site
1 – Boston Post Road	Year round	20'	1,000 feet; N
2 – Chandler Street	Year round	20'	4,258 feet; N
3 – Cottage Avenue	Year round	30'	4,030 feet; N
4 – I-95 Rest Area	Year round	5'	6,333 feet; E
5 – School House Road	Year round	50'	559 feet; W
6 – Gilbert Road	Seasonal	30'	1,342 feet; SW
7 – Gilbert Road	Year round	30'	1,085 feet; SW
8 – Ingham Hill Road	Year round	20'	3,424 feet; W
9 – Elisha Bushnell House	Seasonal	30'	1,332 feet; NE
10 – Boston Post Road	Seasonal	10'	1,069 feet; N
11 – Boston Post Road	Seasonal	10'	966 feet; N
12 – School House Road	Seasonal	20'	523 feet; W
13 – School House Road	Seasonal	40'	1,027 feet; SW
14 – Lookout Hill Road	Seasonal	10'	1,379 feet; SE
15 – Lookout Hill Road	Seasonal	10'	1,076 feet; S
16 – Allendale Road	Seasonal	10'	1,368 feet; N
17 – Old Post Road	Seasonal	10'	1,500 feet; NW
18 – Colonial Lane	Seasonal	20'	1,546 feet; NW
19 – Shetucket Trail	Seasonal	20'	4,387 feet; N
20 – Ingham Hill Road	Seasonal	10'	3,428 feet; W
21 – Plum Bank Beach	None	n/a	8,332 feet; NW
22 – Old Kelsey Point Road	None	n/a	6,673 feet; NE
23 – Daisy Ingraham School	None	n/a	9,749 feet; E
24 – Great Cedars (East) Conservation Area, Yellow Trail	None	n/a	6,854 feet; SW
25 – Great Cedars (East) Conservation Area, Blue Trail	None	n/a	9,310 feet; SW
26 – Sherwood Terrace	None	n/a	7,942 feet; W

(AT&T 1, Attachment 4 – Visual Analysis Report)

77. The proposed tower would be seasonally visible from the Elisha Bushnell House. (AT&T 1, Attachment 4 – Visual Analysis Report)

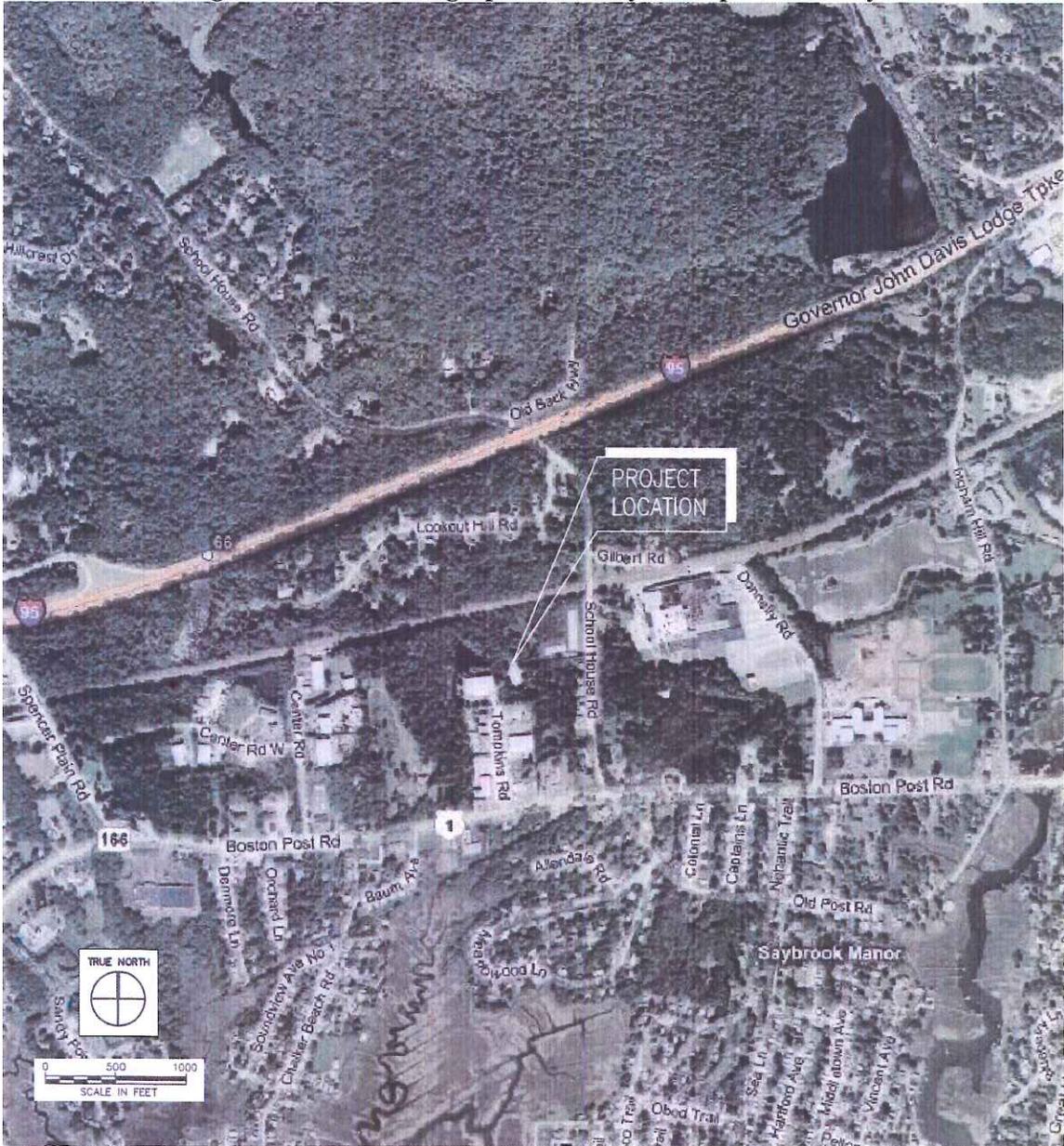
78. The proposed tower would be seasonally visible from small portions of the following designated scenic roads: School House Road and Ingham Road. (AT&T 1, Attachment 4 – Visual Analysis Report)

Figure 1: Location of Proposed Facility



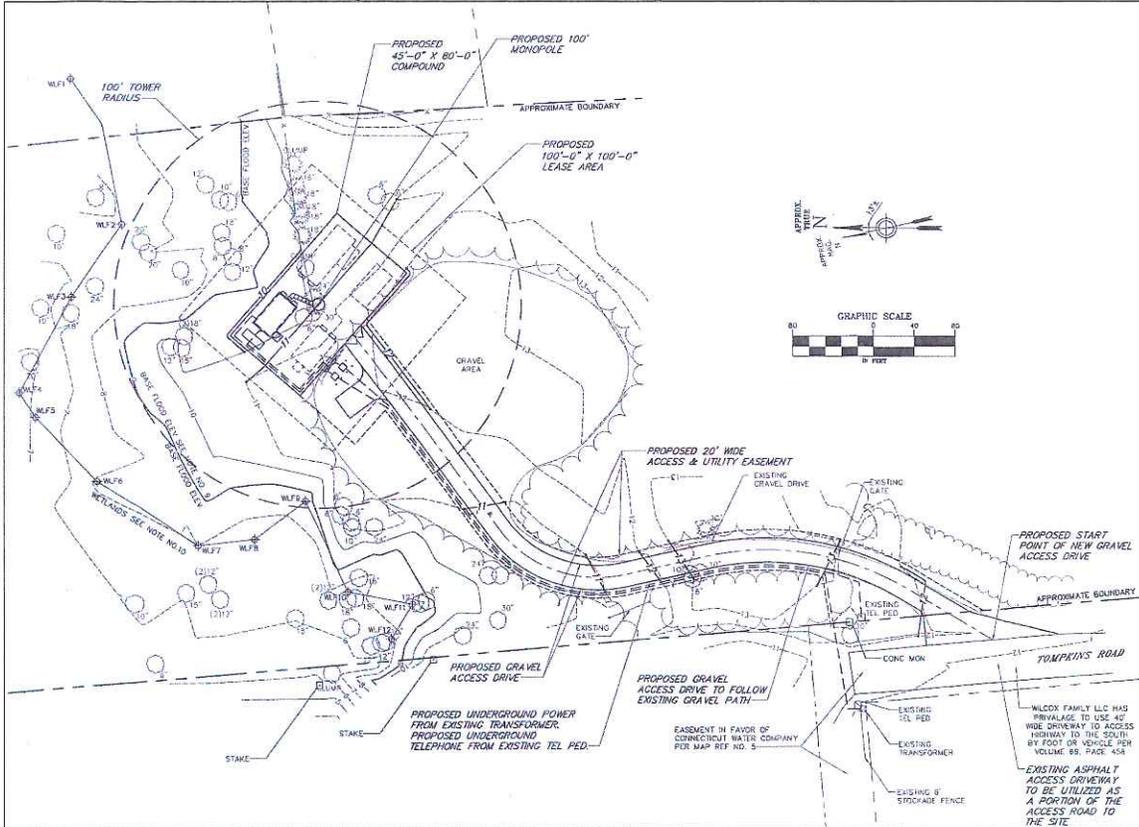
(AT&T 1, Attachment 3)

Figure 2: Aerial Photograph of Vicinity of Proposed Facility



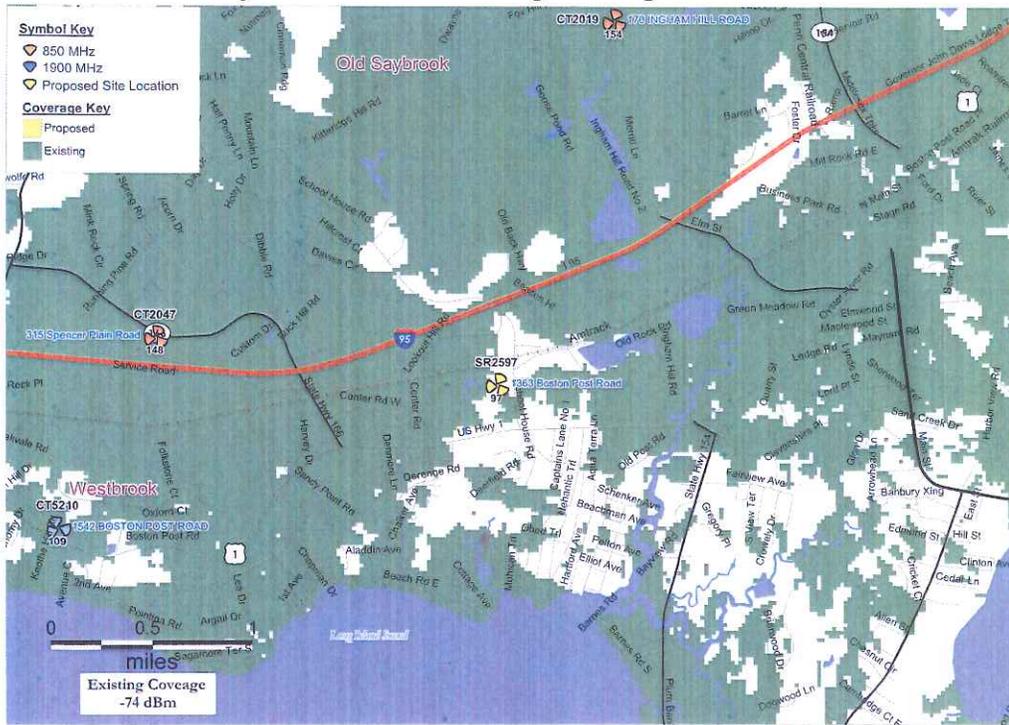
(AT&T 1, Attachment 3)

Figure 3: Site Plan for Proposed Facility



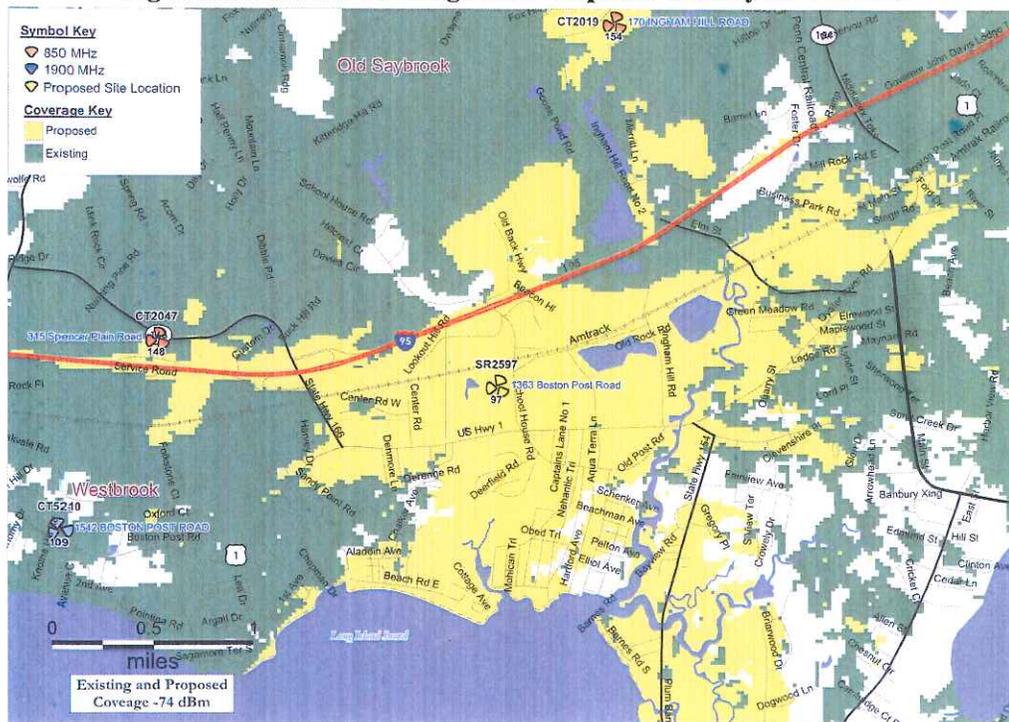
(AT&T 1, Attachment 3, Site Access Map)

Figure 4: AT&T's Existing Coverage at -74 dBm



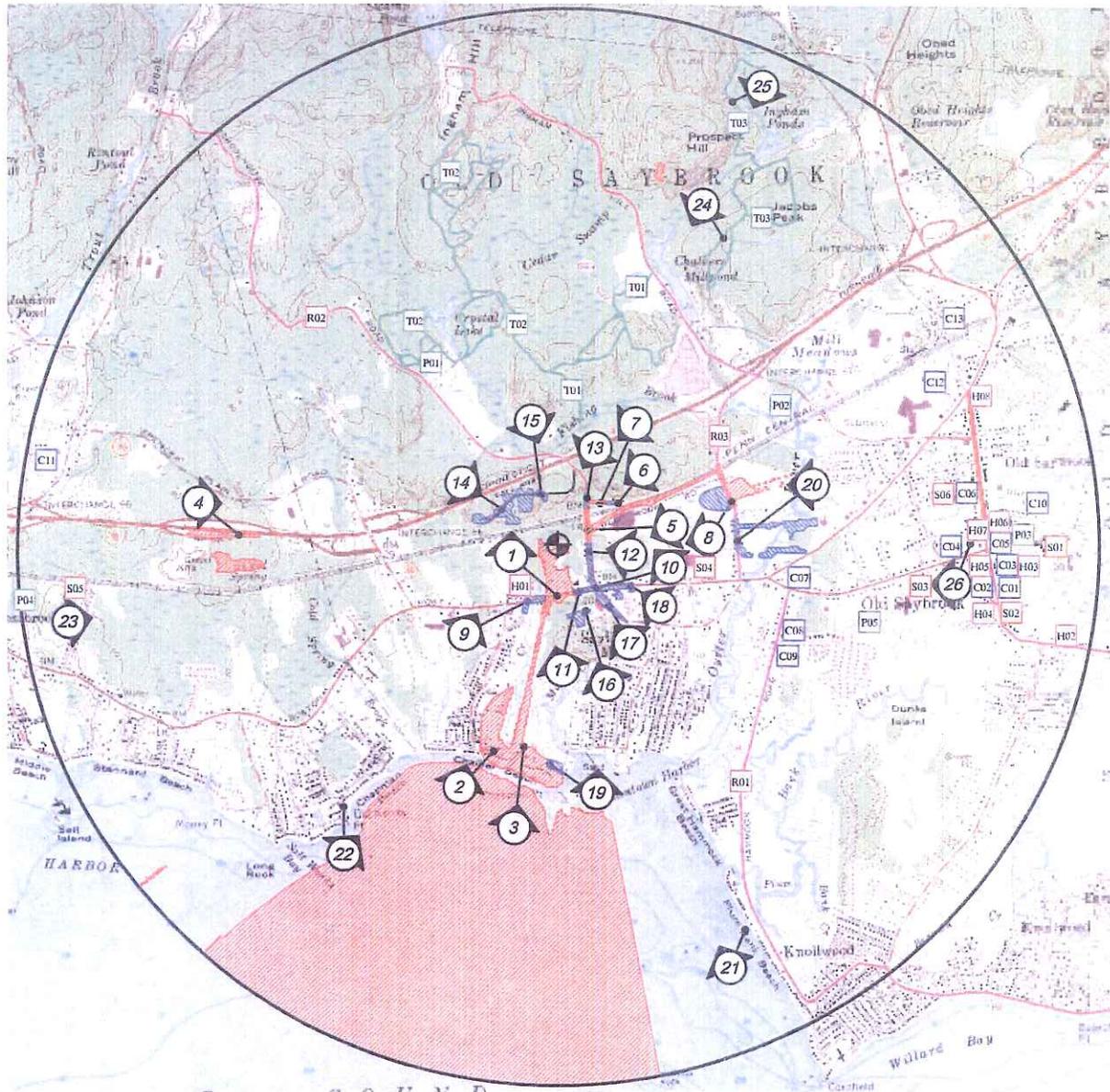
(AT&T 1, Attachment 1)

Figure 5: AT&T's Coverage with Proposed Facility at -74 dBm

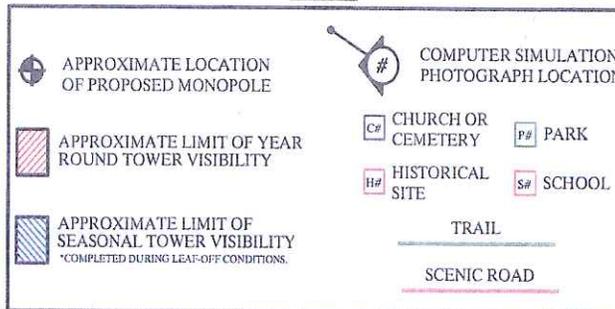


(AT&T 1, Attachment 1)

Figure 6: Visual Analysis



Legend



(AT&T 1, Attachment 4)

DOCKET NO. 411 - New Cingular Wireless PCS, LLC } Connecticut
application for a Certificate of Environmental Compatibility and }
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Old Saybrook, Connecticut. } Council

April 28, 2011

Opinion

On November 1, 2010, New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility to be located at 1363 Boston Post Road in the Town of Old Saybrook, Connecticut. AT&T is seeking to develop a facility on property owned by the Wilcox Family, LLC and used for various purposes including an electrical supply wholesaler, car storage, motorcycle parts sales, a martial arts studio, and a residence. AT&T's objective in locating a facility at this location is to provide service in the shoreline community of Old Saybrook, including portions of Route 1 (Boston Post Road), the Amtrak rail line, local business and commercial properties, and residences in an area where there are existing deficiencies in reliable coverage. No other parties or intervenors participated in this proceeding.

AT&T proposes to construct a 100-foot monopole and associated compound on the 7.5-acre Wilcox Family parcel. The tower and compound area will be located on the northerly half of the parcel. No landscaping is proposed. Vehicular access would be from Tompkins Road over a new 382-foot gravel drive. Utilities would be extended underground from a utility pole on Tompkins Road and would follow the edge of the gravel drive. The tower would be designed to support the antennas of one additional carrier at its proposed 100-foot height. If the tower were to be extended an additional twenty feet, two more carriers could locate on it.

The setback radius of the proposed tower would extend approximately seven feet onto two adjacent properties to the east. In order to avoid having the proposed tower's setback radius extend onto the adjacent properties, AT&T could adjust its location, either within the proposed compound or within the lease area.

The proposed tower would be visible on a year-round basis from approximately 905.5 acres within a two-mile radius of the proposed site. Most of this acreage occurs on the waters of Long Island Sound. However, viewed from Long Island Sound, the proposed tower would not appear as a dominant feature on the landscape.

A portion of the proposed tower would be visible on a seasonal basis from an additional approximately 36.3 acres. The State Historic Preservation Office did have some concern about the proposed tower's visibility from the Elisha Bushnell House, a nearby property of historic significance, but was satisfied that the proposed 100-foot tower would not be too visually imposing on this property.

Seven trees with diameters of six inches or more at breast height would be removed in the construction of the proposed facility. This number could be reduced or completely eliminated by shifting the proposed location of the facility's compound to the southwest onto a cleared, graveled area on the Wilcox Family property. Wetlands cover the northerly section of the Wilcox Family property. The closest point of these wetlands to the area that would be disturbed in the development of the proposed facility would be 50 feet. The establishment of proper erosion and sedimentation control measures would prevent adverse impacts to the wetland areas in the vicinity of the proposed facility.

The U.S. Fish and Wildlife Service lists the Piping Plover as a threatened or endangered species that occurs in Old Saybrook. Because Piping Plovers typically use beach habitats and the proposed facility is located approximately three-quarters of a mile from the nearest beach, it would be unlikely for the facility to have any impacts on the Piping Plover. However, because the proposed facility is relatively close to Long Island Sound, there is some concern that birds, particularly ospreys, could use antenna platforms for nest-building. For this reason, the Council will order T-arm mounts to be used for mounting antennas instead of platforms.

After reviewing the record in this proceeding, the Council finds that there is a need for improved coverage and capacity in the vicinity of the proposed facility. The Council further finds that, at 100 feet, the height of the proposed tower would be amenable to the State Historic Preservation Office. Although there is justifiable concern over the possibility that ospreys could use antenna platforms on this tower for nesting purposes, this concern can be alleviated by requiring the use of T-arm antenna mounts. The need for the clearing of trees and other vegetation can also be alleviated by having AT&T shift the location of its proposed compound a short distance to the south and west.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 14.3% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance, and operation of the telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 100-foot monopole telecommunications facility at 1363 Boston Post Road, Old Saybrook, Connecticut.

DOCKET NO. 411 - New Cingular Wireless PCS, LLC } Connecticut
application for a Certificate of Environmental Compatibility and }
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Old Saybrook, Connecticut. } Council

April 28, 2011

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to New Cingular Wireless PCS, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 1363 Boston Post Road, Old Saybrook, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of New Cingular Wireless PCS, LLC and other entities, both public and private, but such tower shall not exceed a height of 100 feet above ground level.
2. The location of the telecommunications facility's compound shall be moved from the location shown on the site plans included in the Certificate application to the south and west by a distance sufficient to eliminate the need to clear trees for the development of the approved facility.
3. Antennas shall be installed on the tower using T-arm or flush mounts.

4. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Old Saybrook for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
5. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
6. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
7. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
8. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Old Saybrook public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
9. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.

10. Any request for extension of the time period referred to in Condition 9 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Old Saybrook. Any proposed modifications to this Decision and Order shall likewise be so served.
11. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
12. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
13. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
14. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
15. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
16. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
17. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Hartford Courant.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

New Cingular Wireless PCS, LLC

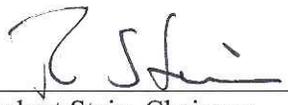
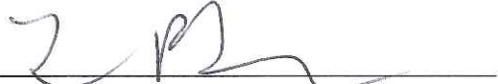
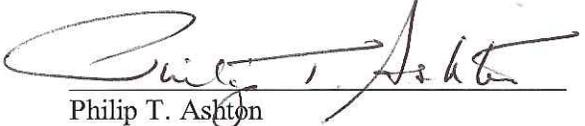
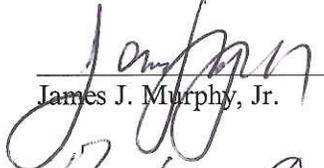
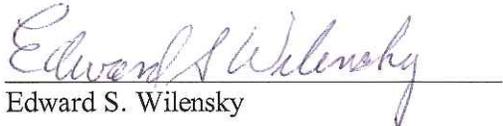
Its Representative

Christopher B Fisher, Esq.
Daniel M. Laub, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Michele Briggs
AT&T
500 Enterprise Drive
Rocky Hill, CT 06067-3900

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 411** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut, and voted as follows to approve the proposed site located at Boston Post Road, Old Saybrook, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Robert Stein, Chairman	Abstain
_____ Colin C. Tait, Vice Chairman	Absent
 _____ Commissioner Kevin M. DeGobbo Designee: Larry P. Levesque	Abstain
 _____ Acting Commissioner Dan Esty Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	Yes
 _____ Daniel P. Lynch, Jr.	Yes
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, April 28, 2011.



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

May 4, 2011

Christopher B Fisher, Esq.
Daniel M. Laub, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: **DOCKET NO. 411** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut.

Dear Attorneys Fisher and Laub:

By its Decision and Order dated April 28, 2011, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

Linda Roberts
Executive Director

LR/CDM/jbw

Enclosures (4)



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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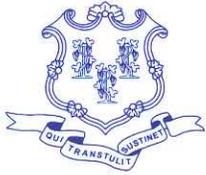
**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 411**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to New Cingular Wireless PCS, LLC for the construction, maintenance and management of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on April 28, 2011.

By order of the Council,

Robert Stein, Chairman

April 28, 2011



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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May 4, 2011

TO: Classified/Legal Supervisor
411110215
The Hartford Courant
285 Broad St.
Hartford, CT 06115

FROM: Jessica Brito-Weston, Secretary I 

RE: **DOCKET NO. 411** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

JBW



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on April 28, 2011, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from New Cingular Wireless PCS, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1363 Boston Post Road, Old Saybrook, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.